

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Samuel Haywood Myles, and
We Are Family Inc.,

Civil No. 20-2142 (DWF/LIB)

Plaintiffs,

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

v.

Maya Santamaria, et al.,

Defendants.

This matter is before the Court upon *pro se* Plaintiffs Samuel Haywood Myles' and We Are Family Inc.'s ("Plaintiffs")¹ objections (Doc. No. 5) to Magistrate Judge Leo I. Brisbois' February 1, 2021 Report and Recommendation (Doc. No. 4) insofar as it recommends that Plaintiffs' Complaint be dismissed without prejudice for lack of subject matter jurisdiction.

The Court has conducted a *de novo* review of the record, including a thorough review of Plaintiffs' objections, pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.2(b). The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference for purposes of Plaintiffs' objections. In the Report and Recommendation, the Magistrate Judge explained that Plaintiffs allege that Defendants breached a contract, but that Plaintiffs fail to allege the diversity of the citizenship of the parties and an amount in

¹ As the Magistrate Judge explained, Plaintiff Samuel Haywood Myles appears to be the owner and the operator of co-Plaintiff, We Are Family Inc.

controversy that would meet diversity jurisdiction. In addition, the Magistrate Judge explained that federal question jurisdiction does not exist in this case, as Plaintiffs' complaint is devoid of factual allegations supporting a federal cause of action or a request for relief dependent on federal law. The Court agrees and finds Plaintiffs' arguments to the contrary unpersuasive.

Based upon the *de novo* review of the record, a careful review of Plaintiffs' objections, and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

ORDER

1. Plaintiffs' objections (Doc. No. [5]) to Magistrate Judge Leo I. Brisbois' February 1, 2021 Report and Recommendation are **OVERRULED**.

2. Magistrate Judge Leo I. Brisbois' February 1, 2021 Report and Recommendation (Doc. No. [4]) is **ADOPTED**.

3. Plaintiffs' Complaint (Doc. No. [1]) is **DISMISSED WITHOUT PREJUDICE** based on a lack of subject matter jurisdiction.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: March 9, 2021

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge